

REMARKS

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Claims 1-20 are pending in this application. The specification and drawings have been objected to, and claims 1-20 have been rejected under 35 U.S.C. § 102(e) in view of U.S. Patent No 6,175,833—West et al. These reasons for rejection are respectfully traversed. Claims 1, 2, 6 and 14 have been amended and claim 3 has been cancelled.

Objections

Drawings

The Office Action has also objected to the drawings as not including every reference numeral mentioned in the description and part of the drawings as filed. Applicant submits herewith a revised FIGS. 3 and 5 that correct this deficiency by inserting reference numerals (and in the case of FIG. 3, the label on an arrow) that were set forth in the drawings as filed but were not copied on to the formal drawings submitted after filing. It is respectfully submitted that no new matter has been entered. Entry of these drawing sheets into the application is respectfully requested.

Therefore, the objection to the drawings should be withdrawn.

Specification

The informality noted in the Office Action regarding the use of the reference numeral 12 on page 7, line 5 has been corrected. No new matter has been entered. A substitute page showing this amendment is attached and a clean copy is enclosed. It is respectfully submitted that no new matter has been entered.

Therefore, the objection to the specification should be withdrawn.

Claim Rejections - 35 U.S.C. § 102(e)

Claims 1-20 have been rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No 6,175,833—West et al. This reason for rejection is respectfully traversed.

As defined by the independent claims, preferred embodiments of the invention provide a system for collecting survey data and providing a process for creating and simultaneously publishing a survey via a plurality of types of electronic communications devices while also making the results of the survey available to the creator of the survey. In particular, it is preferred that the system comprises a survey input database into which the survey creator inputs and stores all relevant information associated with particular survey. After the respondents provide their responses, they are stored in a survey results database, from which survey results are analyzed and may be retrieved by the surveyors. The publishing system enables a party to create a survey and publish the survey to potential survey respondents having multiple interface device types and the results are available to the survey creator in one or more formats compatible with various device types. The survey creators therefore receive more complete and meaningful survey information than previously available using conventional single device surveys.

Independent claims 1, 6 and 14, as amended, all specifically recite two different databases, namely a survey input database and a survey results database, as described in the specification and illustrated in FIGS. 1 and 3. The West et al. reference, on the other hand, does not disclose or suggest two different databases, but instead teaches to the contrary, that a single database is a more efficient manner for conducting an online survey, or even multiple online surveys. As noted at column 4, lines 58-60 of the West et al. reference, it is desirable to eliminate "the cost and hassles of building a new and separate database infrastructure for every new survey."

Additionally, independent claims 1, 6 and 14, as amended, all specifically recite that the results of the survey are published simultaneously with the inputs by the users, whereas the West et al. reference teaches that the results should be updated periodically. West et al., Col. 9, lines 5-8.

To anticipate a claim, every element and limitation of the claim must be found in a single prior art reference, arranged as in the claim. *Karsten Mfg. Corp. v. Cleveland Golf Co.*, 242 F.3d 1376, 1383, 58 USPQ2d 1286, 1291 (Fed. Cir. 2001); *Scripps Clinic*

& *Research Foundation v. Genentech, Inc.*, 927 F.2d 1565, 1576, 18 USPQ2d 1001, 1010 (Fed. Cir. 1991).

It is respectfully submitted that the West et al. reference discloses neither the element of using two databases for an online survey, nor the element of simultaneously publishing the results upon entry of response data. Accordingly, for either and both of these reasons, it is respectfully submitted that none of claims 1, 6 or 14, as amended is anticipated by West et al.

Claims 2, 4-5, 7-14 and 15-20 depend respectively from claims 1, 6 and 14, and for these reasons are also now in a condition to be allowed as being dependent from a claim defining patentable subject matter.

Additionally, with regard to claim 6, certain preferred embodiments of the invention incorporate a markup language translation layer ("52" seen in amended/corrected FIG. 3) that utilizes extensible markup language (XML), standard query language (SQL) and dynamic page creation technologies such as JAVA and PERL. This markup language translation layer may include any combination of the foregoing alone or in combination with one or more of hypertext markup language (HTML), wireless markup language (WML), user interface markup language (UIML) or other form of presently existing or yet to be developed standard generalized markup language (SGML). In particular, these embodiments of the present invention provide a system that allows the inputs to be taken from multiple devices running various interfaces, and publish the results to the survey creators across similarly diverse devices running various interfaces. This is possible because the survey inputs are "wrapped" so that they can be published in a wide variety of formats.

In contradistinction, the West al. reference merely discloses running scripts compatible with a SQL server so that a Web server can collect the results. Claim 6, on the other hand, requires wrapping the data in a manner to permit any of a number of platforms and programming interfaces to act as both input devices for responders and as

results access devices for the survey creators. Specifically, claim 6 recites a "plurality of types of interface devices." The West et al. reference limits itself to "client computers" and pre-supposes client computer devices commonly linked to the Internet. Col. 3, lines 38-54. As pointed out in the specification at the bottom of page 1, this is a limitation of prior art systems, and the specification, from the bottom of page 11 through page 12 explains how the present invention overcomes this limitation.

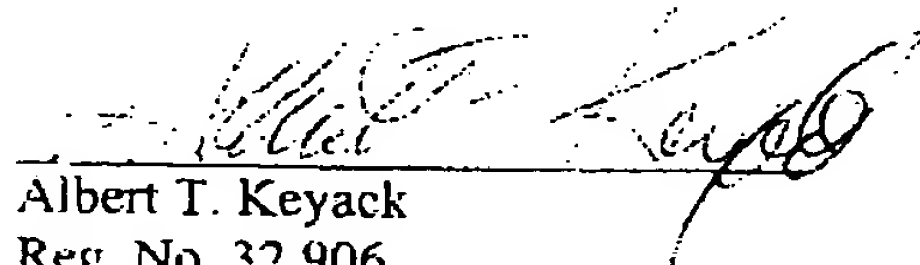
Therefore, for this additional reason, claim 6 and the claims that depend from it are also not anticipated by West et al. since this reference does not disclose the steps of wrapping the data in a manner to permit multiple cross-platform device utility.

It is therefore respectfully submitted that since the present invention is neither disclosed nor suggested by any prior art of record and all the pending claims are now in a condition to be allowed.

Conclusion

For all these reasons, it is respectfully submitted that the present application, including the amendments set forth above and the additional materials submitted herewith, is now in a condition to be allowed. Notice to this effect is earnestly solicited.

Respectfully submitted,



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device. As described hereinafter, a publishing engine 14 of survey publishing system 10 will determine which type of respondent interface device (e.g., cell phone 16, PDA 18 or PC 20) is making a request to respond to a survey. Thereafter, publishing engine 14 will publish the survey over to interface device 16, 18 or 20 over an appropriate communications network (wired or wireless) in the appropriate format for that device.

Step 3: Survey Implementation/Data Collection: At this step, the user responds to the survey questions. The response data is transmitted by the survey respondent over the communications network and is collected at a survey results database and analysis engine 22 of survey publishing system 10. This data includes not only the responses to the survey questions, but user data, such as interface device type, and session information, such as length of survey, time of day, and so on.

Step 4: Data Analysis: Once the response data is collected from a respondent's device, the unprocessed survey data is stored in "raw data" database tables of the survey results database. Statistical analysis is then performed on the raw data by the data analysis engine using stored procedures. The type of analysis is specified by the surveyor and analyzed or processed data results are stored in dedicated "analyzed data" database tables.

Step 5: Analyzed Data Publishing and Reporting: Once the data has been analyzed in accordance with parameters prescribed by the surveyor, reports and results are published by publishing engine 14. As specified by the surveyor, publishing engine 14 makes the survey results and reports available for access by the surveyor via one or more interface devices (e.g., cell phone 16, PDA 18 or PC 20). The survey results may be "pushed" by the survey publishing

PHIL 397278-1

3/6

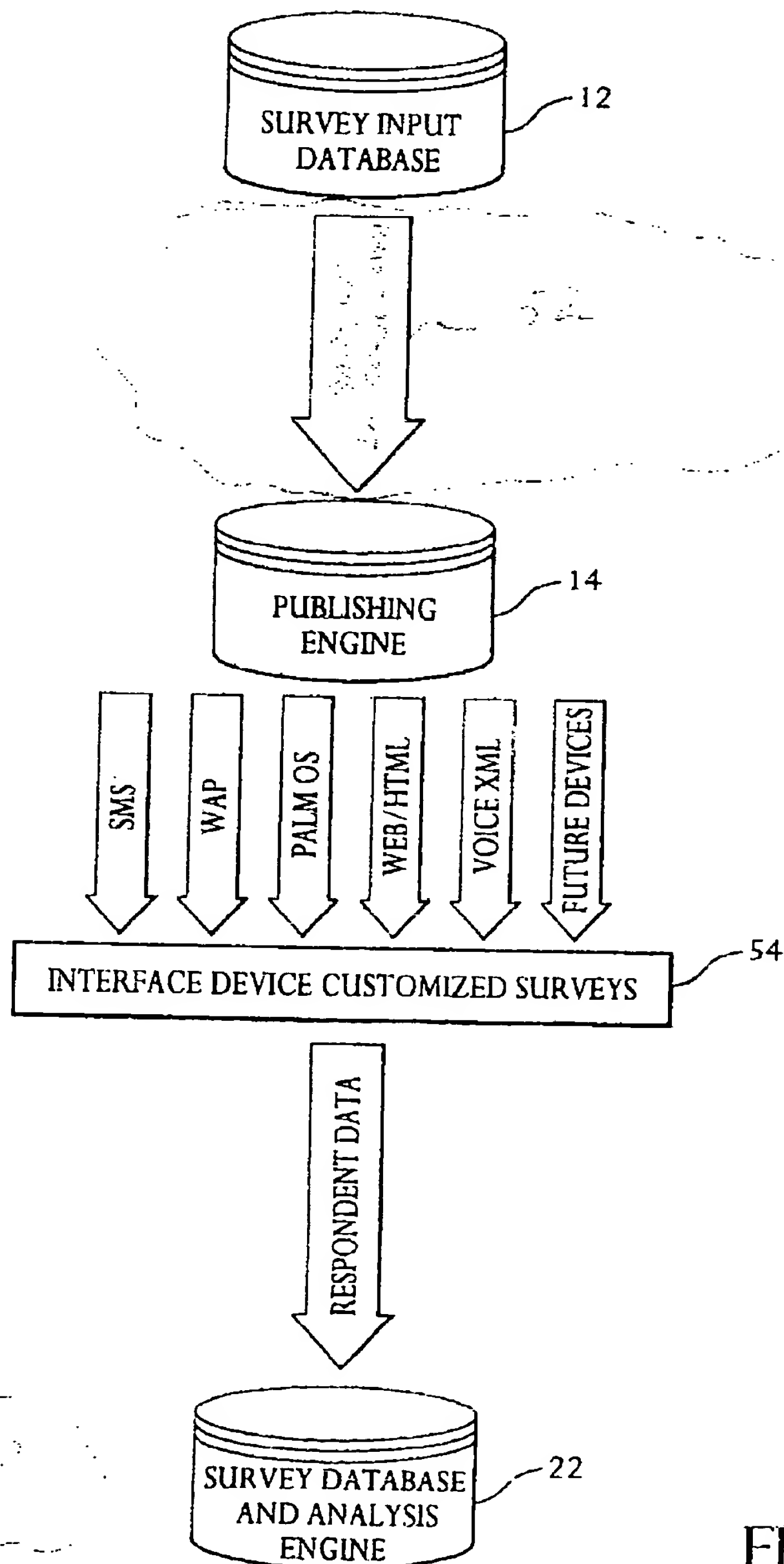


FIG. 3

ANNOTATED
SHEET

5/6

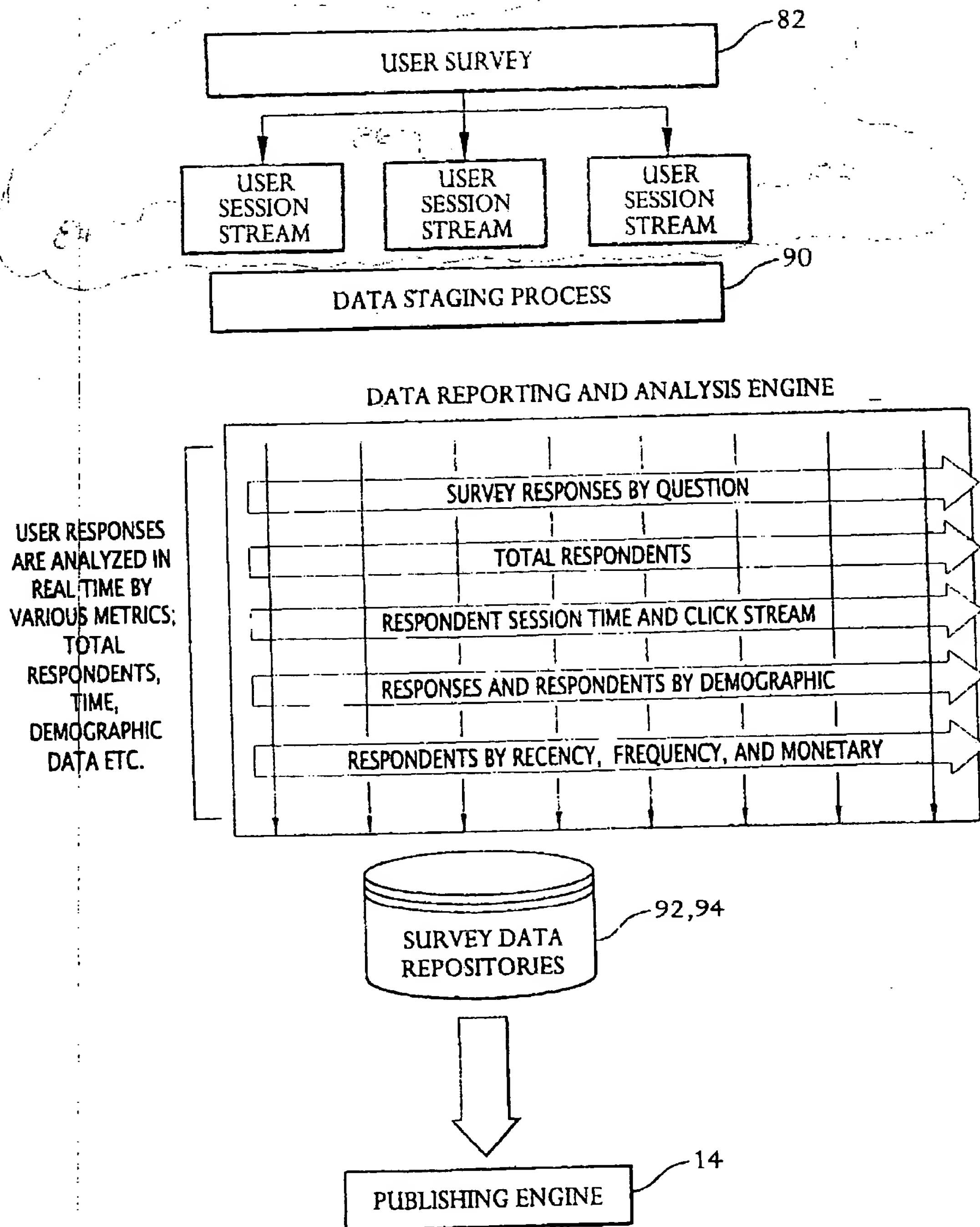


FIG. 5

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device. As described hereinafter, a publishing engine 14 of survey publishing system 10 will determine which type of respondent interface device (e.g., cell phone 16, PDA 18 or PC 20) is making a request to respond to a survey. Thereafter, publishing engine 14 will publish the survey over to interface device 16, 18 or 20 over an appropriate communications network (wired or wireless) in the appropriate format for that device.

Step 3: Survey Implementation/Data Collection: At this step, the user responds to the survey questions. The response data is transmitted by the survey respondent over the communications network and is collected at a survey results database and analysis engine 22 of survey publishing system 10. This data includes not only the responses to the survey questions, but user data, such as interface device type, and session information, such as length of survey, time of day, and so on.

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PHIL 397278-1

7

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